

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2345

Introduced by Assembly Member Gonzalez

February 21, 2014

An act to amend Sections 11104 and 18930 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2345, as amended, Gonzalez. Public social services: eligibility: noncitizens.

Existing law establishes various social services programs that provide cash assistance and other benefits to qualified low-income families and individuals, including the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under existing law, an alien is eligible for aid under these programs only if he or she has been lawfully admitted for permanent residence, or is otherwise permanently residing in the United States under color of law.

Existing law requires the State Department of Social Services to establish ~~a food assistance program~~ *the Food Assistance Program* for certain immigrants residing in this state, including, among others, a battered immigrant spouse or a Cuban or Haitian entrant, as described in specified provisions of federal law.

This bill would additionally provide that a noncitizen is eligible for aid under ~~these programs~~ *CalWORKs and the Food Assistance Program* if he or she is lawfully present in the United States. To the extent this bill would expand eligibility for CalWORKs and ~~the food assistance program~~ *Food Assistance Program*, which are administered by the counties, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11104 of the Welfare and Institutions
2 Code is amended to read:

3 11104. (a) Noncitizens of the United States shall be eligible
4 for aid only to the extent permitted by federal law.

5 (b) A noncitizen of the United States shall only be eligible for
6 aid if he or she has been lawfully admitted for permanent residence;
7 ~~is lawfully present in the United States~~; or is otherwise permanently
8 residing in the United States under color of law. No aid shall be
9 paid unless evidence as to eligible noncitizen status is presented.

10 (c) *For purposes of the CalWORKS program, a noncitizen shall*
11 *additionally be eligible for aid if he or she is lawfully present in*
12 *the United States.*

13 SEC. 2. Section 18930 of the Welfare and Institutions Code is
14 amended to read:

15 18930. (a) The State Department of Social Services shall
16 establish a Food Assistance Program to provide assistance for
17 those persons described in subdivision (b). The department shall
18 enter into an agreement with the United States Department of
19 Agriculture to use the existing federal Supplemental Nutrition
20 Assistance Program coupons for the purposes of administering
21 this program. Persons who are members of a household receiving
22 CalFresh benefits under this chapter or under Chapter 10
23 (commencing with Section 18900), and are receiving CalWORKs
24 benefits under Chapter 2 (commencing with Section 11200) of

1 Part 3 on September 1, 1998, shall have eligibility determined
2 under this chapter without need for a new application no later than
3 November 1, 1998, and the beginning date of assistance under this
4 chapter for those persons shall be September 1, 1998.

5 (b) (1) Except as provided in paragraphs (2), (3), and (4) and
6 Section 18930.5, noncitizens of the United States shall be eligible
7 for the program established pursuant to subdivision (a) if the
8 person's immigration status meets the eligibility criteria of the
9 federal Supplemental Nutrition Assistance Program in effect on
10 August 21, 1996, but he or she is not eligible for federal
11 Supplemental Nutrition Assistance Program benefits solely due
12 to his or her immigration status under Public Law 104-193 and
13 any subsequent amendments thereto.

14 (2) Noncitizens of the United States shall be eligible for the
15 program established pursuant to subdivision (a) if the person is a
16 battered immigrant spouse or child or the parent or child of the
17 battered immigrant, as described in Section 1641(c) of Title 8 of
18 the United States Code, as amended by Section 5571 of Public
19 Law 105-33, or if the person is a Cuban or Haitian entrant as
20 described in Section 501(e) of the federal Refugee Education
21 Assistance Act of 1980 (Public Law 96-122), or is otherwise
22 lawfully present in the United States.

23 (3) An applicant who is otherwise eligible for the program but
24 who entered the United States on or after August 22, 1996, shall
25 be eligible for aid under this chapter only if he or she is sponsored
26 and one of the following apply:

27 (A) The sponsor has died.

28 (B) The sponsor is disabled as defined in subparagraph (A) of
29 paragraph (3) of subdivision (b) of Section 11320.3.

30 (C) The applicant, after entry into the United States, is a victim
31 of abuse by the sponsor or the spouse of the sponsor if the spouse
32 is living with the sponsor.

33 (4) An applicant who is otherwise eligible for the program but
34 who entered the United States on or after August 22, 1996, who
35 does not meet one of the conditions of paragraph (3), shall be
36 eligible for aid under this chapter beginning on October 1, 1999.

37 (5) The applicant shall be required to provide verification that
38 one of the conditions of subparagraph (A), (B), or (C) of paragraph
39 (3) has been met.

(6) For purposes of subparagraph (C) of paragraph (3), abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

(A) Police, government agency, or court records or files.

(B) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.

(C) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

(D) Physical evidence of abuse.

(7) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in writing in the case file that the applicant is credible.

(c) In counties approved for alternate benefit issuance systems, that same alternate benefit issuance system shall be approved for the program established by this chapter.

(d) (1) To the extent allowed by federal law, the income, resources, and deductible expenses of those persons described in subdivision (b) shall be excluded when calculating CalFresh benefits under Chapter 10 (commencing with Section 18900).

(2) No household shall receive more CalFresh benefits under this section than it would if no household member was rendered ineligible pursuant to Title IV of Public Law 104-193 and any subsequent amendments thereto.

~~(e) This section shall become operative on September 1, 1998.~~

SEC. 3. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

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